HIGH COURT OF UTTARANCHAL AT NAINITAL

CRIMINAL TRANSFER APPLICATION NO. 21 OF 2006

Jaideep Singh Negi,
S/o Sri Jaikrit Singh Negi,
R/o Rani Pokhari,
Police Station – Rishikesh,
District- Dehradun. .....Applicant.

Vs.

1. State of Uttaranchal, through Principal Secretary of Home, Dehradun.
2. D.I.G. of Police, Garhwal Range, Dehradun District-Dehradun. .....Opp. Parties.

Hon'ble Rajesh Tandon, J.

Heard Sri Sandeep Tandon, counsel for the applicant and A.G.A. for the State.

2. Counsel for the applicant has confined his prayer for compliance of the order dated 4th September, 2006 passed by Under Secretary Uttaranchal Government to facilitate a gunner to the applicant for a period of three months on payment of 25% in pursuance of the order dated 30th September, 2004 passed in Transfer Application No. 18 of 2001 to the following effect:

> "5. In view of the foregoing discussion, I am of the view that the petition is liable to be dismissed. However, the inspector General concerned is directed to make arrangement for taking the applicant, if need be, in police protection from Dehradun to court of Lansedown on the date of hearing and return safely to his house at his own cost as and when

required. The application will bear the expenses at his own cost."

3. It appears from the order dated 4th September, 2006 that the same has been passed by the Under Secretary Uttaranchal Shasan and the same has been communicated to the District Magistrate, Dehradun for providing the facility of gunner to the applicant on the payment of 25% for a period of three months. There is no occasion to depart with the said order, which has been communicated to the District Magistrate.

4. Counsel for the applicant has submitted that the order dated 3rd October, 2006 passed by the S.S.P. directing the applicant to deposit a sum of Rs. 4500 for only fifteen days, is wholly illegal inasmuch as once the order has been passed by the Under Secretary on 4th September, 2006 to provide gunner to the applicant on payment of 25% for a period of three months in pursuance of the order passed in Transfer Application, there is no occasion to depart the said order.

5. In view of the aforesaid, District Magistrate, S.S.P. and authorities concerned are directed to comply the order dated 4th September, 2006 passed in pursuance of the order dated 30.09.2004 passed in Transfer Application No. 18 of 2001.

6. Subject to above, present application is disposed of.

(Rajesh Tandon, J.)

20.12.2006
Rathour